

CHINA ENERGY CORPORATION,
Plaintiff,

VS.

ALAN HILL, et al.,

Defendants.

ELENA SAMMONS AND MICHAEL SAMMONS,
Third-Party Plaintiffs

VS.

CEDE & CO., THE DEPOSITORY TRUST COMPANY, AND COR CLEARING

Third-Party Defendants.

3:13-CV-562-MMD-VPC

**AMENDED
STIPULATION AND
[PROPOSED] ORDER
GRANTING THIRD-
PARTY DEFENDANT
COR CLEARING, LLC
AN OPPORTUNITY TO
RESPOND TO
PLAINTIFF CEC'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT
ON COUNT I OF THE
COMPLAINT AS TO THE
SAMMONS
DEFENDANTS AND
GRANTING CEC LEAVE
TO REPLY TO COR
CLEARING LLC'S
RESPONSE**

1 Third-Party Defendant COR Clearing, LLC ("COR") and Plaintiff China Energy
2 Corporation ("CEC"), by and through their counsel, jointly submit this amended Stipulation
3 granting COR an opportunity to respond to Plaintiff CEC's Motion for Partial Summary
4 Judgment on Count I of the Complaint as to the Sammons Defendants (Dkt. No. 71) and
5 granting CEC an opportunity to reply to COR's response as well as a [Proposed] Order

6 1. On August 11, 2014 COR and CEC jointly submitted a Stipulation and
7 [Proposed] Order Granting Third-Party Defendant COR Clearing, LLC an Opportunity to
8 Respond to Plaintiff CEC's Motion for Partial Summary Judgment on Count 1 of the Complaint
9 as to the Sammons Defendants (Dkt. No. 71) and Granting CEC Leave to Reply to COR
10 Clearing, LLC's Response (the "Stipulation") (Dkt. No. 246).

12 2. The Stipulation provided that COR's deadline to file a response to
13 Plaintiff CEC's Motion for Partial Summary Judgment on Count I of the Complaint as to the
14 Sammons Defendants (Dkt. No. 71) would be August 29, 2014; and CEC's deadline to file a
15 reply to COR's response would be September 12, 2014.

17 3. On August 13, 2014, the Court entered a Minute Entry Order (Dkt. No.
18 248), denying the Stipulation without prejudice and noted that the Court would only consider a
19 stipulation that required all briefing on CEC's Motion for Partial Summary Judgment (Dkt. No.
20 71) to be completed on or before September 5, 2014.

21 4. In accordance with the Court's Order, COR and CEC have agreed upon a
22 modified briefing schedule that completes all briefing on CEC's Motion for Partial Summary
23 Judgment on Count I of the Complaint as to the Sammons Defendants (Dkt. No. 71) on
24 September 5, 2014.
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The undersigned parties agree and stipulate as follows:

1. COR's deadline to file a response to Plaintiff CEC's Motion for Partial Summary Judgment on Count I of the Complaint as to the Sammons Defendants (Dkt. No. 71) shall be August 26, 2014; and

2. CEC's deadline to file a reply to COR's response shall be September 5, 2014.

Respectfully submitted this the 14th day of August, 2014.

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Justin J. Bustos

Counsel for Plaintiff China Energy Corporation

[PROPOSED] ORDER

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

Dated this ____ day of August, 2014.

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CERTIFICATE OF SERVICE

I, Meredith Jowers Lees, certify that on August 14th, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the electronic mail notice list.

A copy was also served by First Class U.S. Mail, postage prepaid on the following individuals:

Elena Sammons
15706 Seekers St.
San Antonio, TX 78255

Randy Dock Floyd
4000 Goff Road
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Jun He
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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed August 14th, 2014, at Birmingham, Alabama.

By: /s/ Meredith Jowers Lees
Meredith Jowers Lees